

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CNH INDUSTRIAL CAPITAL AMERICA, LLC

PLAINTIFF

V.

CIVIL ACTION NO.: 3:18-cv-00220-TSL-RHW

**GOZA FARMS, LLC AND
MILTON M. GOZA, SR.**

DEFENDANTS

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Examination of Judgment Debtor, Milton M. Goza, Sr. ("Goza") (DK #16). The Court finds that the Motion is well taken and should be granted. The Court further finds:

1. On July 10, 2019, Plaintiff recovered a Consent Judgment against Defendants following repossession and sale of certain collateral in the amount of \$100,000.00, plus post judgment interest at the rate of 2.05% per annum.

2. Pursuant to Miss. Code Ann. § 13-1-261, CNH Industrial Capital America, LLC ("CNH") is entitled to examine the judgment debtor to determine if there are any assets from which it may satisfy its judgment.

3. Plaintiff has reason to believe Goza has assets sufficient to satisfy all or part of the Consent Judgment and Plaintiff believes a debtor's examination will reveal sufficient facts to enable it to successfully execute upon its Consent Judgment.

4. By ordering Goza to produce certain information, documents, papers and records, the Plaintiff may acquire sufficient knowledge to execute upon its Consent Judgment. Such information to be obtained includes, but is not limited to, the following:

A. All documents from January 1, 2017 to the present reflecting any form of compensation received by Goza (i.e., commission, bonuses) in connection with any job or services rendered by Goza;

B. All documents from January 1, 2017 concerning Goza's banking records, including but not limited to, canceled checks, bank statements, savings account statements, and copies of certificates of deposit, state, federal and local tax income tax returns, Forms K-1, Forms W-2, gift tax returns, credit card statements, safe deposit boxes receipts, shares of banks, banking institutions, savings and loans, thrifts, building and loans, homestead associations, credit unions, cooperatives, brokerage houses, and public utilities;

C. All documents from January 1, 2017 to the present concerning any property held for Goza by another person;

D. All documents from January 1, 2017 to present that refer to real property in which Goza has an interest including equitable or future interests, interest in estates by the entirety, community property, life estates, leaseholds, and rights and powers exercisable for Goza, including title reports and appraisals;

E. All documents from January 1, 2017 to present, including certificates of title, title reports, appraisals, and lien documents in favor of secured parties, relating to any interest of Goza in tangible or intangible personal property, including any options to purchase and any property that Goza owns or leases as a member of a partnership or with any other person or business entity;

F. All documents from January 1, 2017 to present, all documents concerning indebtedness from any third party owed to Goza including any amounts received or to be received by Goza;

G. All financial statements, including supporting documentation, prepared by or on behalf of Goza since January 1, 2017;

H. All documents concerning any indebtedness owed by Goza whether secured, unsecured, liquidated, contingent, or disputed including any indebtedness arising by way of guaranty or indemnification since January 1, 2017;

I. All documents concerning security interests granted by Goza to any party concerning any assets owned by Goza and the amount owed to the secured creditors since January 1, 2017;

J. All appraisals or other evidence of valuation of any property, either real or personal, including stock or partnership interest, owned by Goza or in which Goza has any interest, whether or not a security interest has been granted to any creditor in such property, since January 1, 2017;

K. Any appraisal or other evidence of valuation of the net worth and/or stock ownership of stock owned by Goza in any corporation since January 1, 2017;

L. All documents concerning transfers, direct or indirect, (including, but not limited to, leases) of any property by Goza to any person from January 1, 2017 to the present and the consideration of each transfer, including evidence of receipt of consideration (e.g., deposit slips, receipts or other evidence);

M. All documents concerning payments made from January 1, 2017 to the present for or on account of any loans, installment purchases of goods and services or any other debts, including, but not limited to, all statements for services rendered by any professional employed by Goza to the present;

N. All documents concerning any gifts made by Goza to any person or entity from January 1, 2017 to the present;

O. All documents concerning any ownership interest of Goza in any and all businesses, sole proprietorships, general partnerships, limited partnerships, syndicates, federations, cooperatives, corporations, or other entity, including the financial statements and tax returns of these entities from January 1, 2017 to the present;

P. All documents concerning any trust agreements in which Goza has a beneficial or equitable interest, whether as income beneficiary, remainderman, contingent beneficiary or otherwise, including, without limitation, any revocable trusts since January 1, 2017;

Q. All documents concerning any interest of Goza in insurance policies, including "key man" life insurance policies, annuities, profit sharing plans, retirement funds, or pension plans or funds since January 1, 2017;

R. All income tax returns upon which Goza is identified as a taxpayer since January 1, 2017;

S. A list of all personal property owned by Goza with a value greater than \$1,000.00 to include any and all titled vehicles or equipment as well as documentation of ownership of the same.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendant, Milton M. Goza, Sr., shall appear at the United States Courthouse located at 501 E. Court St., Jackson, Mississippi 39201 on the 15th day of October 2019 at 1:30 p.m., and shall bring with him for examination the aforementioned documents.

IT IS FURTHER ORDERED AND ADJUDGED that the United States Marshall is authorized and directed to serve a copy of this Order upon Milton M. Goza, Sr., 32622 Hwy 1 South, Grace, Mississippi 38745, and to make a return of service in connection therewith, the form of which is to be provided by the Plaintiff.

SO ORDERED AND ADJUDGED this the 11th day of September 2019.

/s/ *Robert H. Walker*

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE

Presented by:

W. Jarrett Little (MSB #104812)
LENTZ & LITTLE, P.A.
2505 14th St., Ste.100
Gulfport, Mississippi 39501
(228) 867-6050
jarrett@lentlittle.com